

PATENT
Serial No. 09/825,328
Amendment in Reply to Office Action of August 25, 2005

REMARKS

Reconsideration of the present application, as amended, is respectfully requested. Claims 2-10, 12-20, 22-30 and 32-37 were withdrawn from consideration as being directed to non-elected claims.

In the Office Action, claims 1, 11, 21, 31 and 38-39 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 6,236,978 (Tuzhilin) in view of U.S. 5,590,246 (Asgharzadeh). In response, claims 7-8, 17-18, 27-28 and 34-35 have been canceled without prejudice, claims 1, 11, 21, 31 and 38-39 have been amended, and claims 40-47 have been added. Applicants respectfully submit that claims 1-6, 9-16, 19-26, 29-33 and 36-47, as amended, are patentable over Tuzhilin and Asgharzadeh for at least the following reasons.

Tuzhilin is directed to a system for generating a user profile based on static and dynamic profile. The static profile includes factual user information, such as age, sex etc, while the dynamic profile includes dynamic rules which correspond to transactional

PATENT
Serial No. 09/825,328
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information of the user, namely, the past purchasing history of the user, such as buying wine or perfume when visiting France, or having a light lunch at a quality restaurant when on a business trip. As correctly noted by the Examiner, Tuzhilin does not teach or suggest generating a recommendation score.

Asgharzadeh is cited to allegedly show generating a score. It is respectfully submitted that Asgharzadeh is concerned with controlling a video printer and has nothing to do with recommenders. Accordingly, there is no motivation to combine Asgharzadeh with Tuzhilin.

Even assuming, arguendo, that such a combination is proper, it respectfully submitted that Asgharzadeh and Tuzhilin, alone or in combination, do not teach or suggest the present invention as recited in independent claims 1, 11, 21, 31 and 38-39, amongst other patentable elements, requires:

wherein said one or more environmental conditions includes at least one of a weather condition and a characteristic of motion of said user.
(Emphasis added)

The above-noted features are nowhere taught or suggested in Tuzhilin and Asgharzadeh, and combinations thereof. Accordingly,

PATENT
Serial No. 09/825,328
Amendment in Reply to Office Action of August 25, 2005

it is respectfully submitted that independent claims 1, 11, 21, 31 and 38-39 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that withdrawn and new claims 2-6, 9-10, 12-16, 19-20, 22-26, 29-30, 32-33, 36-37 and 40-47 should also be allowed at least based on their dependence from independent claims 1, 11, 21, 31 and 38-39, as well as for the separately patentable elements contained in each of the dependent claims.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due since, for example, 8 claims have been canceled and the same amount, namely 8 claims have been added. However, in the

PATENT
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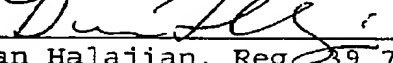
event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicants' representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Please direct all future correspondence related to this application to:

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Respectfully submitted,

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